IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 10TH APRIL 2007 / 20TH CHAITHRA 1929

WP(C).No. 18862 of 2003(U)

PETITIONER:

E.K. RAMACHANDRAN, S/O. LATE KUTTAPPAN,
EDAYATH HOUSE, PUTHUVAZHI P.O., KEEZHILLAM,
KUNNATHUNADU TALUK.

BY ADV. SRI.P.PARAMESWARAN NAIR

RESPONDENTS:
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1. REGIONAL TRANSPORT OFFICER,
REGIONAL TRANSPORT OFFICE, PERUMBAVOOR.

2. CIRCLE INSPECTOR OF POLICE,
KURUPPUMPADY CIRCLE, KURUPPUMPADY.

3. CHOLAMANDALAM INVESTMENT AND FINANCE
COMPANY LTD., IIND FLOOR, ENSIGN ENCLAVE
JOSE JUNCTION, M.G. ROAD,
ERNAKULAM, REPRESENTED BY ITS MANAGER.

BY SR.GOVERNMENT PLEADER SMT. M.K.PUSHPALATHA for R1&R2

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/04/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.18862/2003 U

ORDER ON I.A.NO.4862/2003 IN WP(C) NO.18862/2003 U

DISMISSED

10/04/2007 **SD/- K.BALAKRISHNAN NAIR, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE INSURANCE POLICY THAT THE VEHICLE IS INSURED WITH THE ORIENTAL INSURANCE COMPANY LTD.**

EXT.P2: **COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DTD. 04/06/2003.**

/TRUE COPY/

KSS

K.BALAKRISHNAN NAIR,J.

WP(C)NO.18862 OF 2003-U

Judgment

The petitioner is the registered owner of the goods vehicle KL-07/AJ-9985. Owing to the alleged default from the part of the petitioner to pay the amounts due to the third respondent, which financed the purchase of vehicle, the said respondent has seized the vehicle. So, this Writ Petition is filed, seeking the following reliefs :

> *"(a) a writ of mandamus or any other appropriate writ, direction or order, commanding the 1st respondent not to issue a fresh certificate of registration in respect of tempo bearing registration No.KL-7/AJ-9985 of which the petitioner is the registered owner.*
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> *(b) a writ of mandamus or any other appropriate writ, direction or order, commanding the 1st respondent to issue necessary orders to the 3rd respondent to give back the vehicle bearing registration No.KL-7/AJ-9985 to the petitioner in respect of all defaulted instalments till date."*

If the third respondent is the financier and if there is default from the part of the petitioner, the said respondent, which seized the vehicle, is entitled to get a fresh registration certificate. So, the first prayer is not maintainable. Since no writ will lie against the third respondent, the second prayer is also not maintainable. Accordingly, the Writ Petition is dismissed. Needless to say, before issuing fresh

registration certificate, the petitioner shall be afforded an opportunity of being heard and his objections shall be considered.

10.04.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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